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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/057,556 04/09/98 OKAMURA

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005514 WM02/0424  
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NEW YORK NY 10112

EXAMINER

TSEGAYE, S

ART UNIT

PAPER NUMBER

2662

DATE MAILED:

04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/057,556

Applicant(s)

Okamura

Examiner

Saba Tsegaye

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2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/2/01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to adequately describe where the sound data is divided into packets of invariable packet size.

### *Claim Rejections - 35 USC § 102*

3. Claims 1-3, 8-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugiyama et al.

Regarding claims 1, 3, 8-10 and 13, Sugiyama et al. disclose, in Fig 11, blocks 1, 2, 21-25, 7, 34, 31(claimed transmitting means) and blocks 19, 38, 30, 26-30, 16, 13, 11(claimed receiving means). Further, Sugiyama et al. describe the controller 31 and the audio selector (claimed detecting and control means), the video high-efficiency encoder 22 and the audio high-efficiency encoder 24(claimed compressing means). The controller, in accordance with the number of selected audio channels, supplies a control signal to a video high-efficiency encoder

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22, an audio selector 34, and audio high-efficiency encoder 24. See column 11, lines 59- 67 and column 15, lines 12-21.

Regarding claim 2, see claim 20 (column 17, lines 47-51).

***Claim Rejections - 35 U.S.C. § 103***

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al.

Sugiyama et al. show all the claim limitations, as stated above in paragraph 2, except for a software program. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use software program codes in order to more efficiently improves or improvise a system rather than modify its existing hardware.

5. Claims 4-7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. in view of Palmer et al.

Sugiyama et al. show all the claim limitations, as stated above in paragraph 2, except for devices for an image input, a sound input, a display, and a sound output.

Pamer et al. disclose, in Fig 1, a video camera 38, headphones with microphone, and a display 30. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add devices for an image input, a sound input, a display, and a sound output to the apparatus of Sugiyama et al., as taught by Palmer et al. in order to allow multiple users to participate in a video teleconference.

***Response to Arguments***

6. Applicant's arguments filed 2/2/2001 have been fully considered but they are not persuasive. On page 7, Applicant argues that Sugiyama et al. apparatus does not perform

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communication. Further, Sugiyama et al. fail to teach a transmitter or a receiver. Examiner respectfully disagrees with Applicants' contention. It is clearly shown in the Sugiyama reference, in Fig 11, that an input (1, 2) and an output (19, 17) devices, and a modulator 7 encoded data for recording and demodulator 11 decoded the data back from the magnetic tape 8.

On page 8, Applicant argues that Sugiyama et al fail to disclose a detector for detecting an amount of sound data to be transmitted in packets; and a controller for controlling the variable packet size of the packets of image data to be transmitted by the packet transmitter, according to a detection result of the detector. Examiner respectfully disagrees with Applicants assertion. The interleave 23 divided the audio signal into blocks and which performs shuffling on each of the blocks, as in the case of the video signal. The controller 31 comprises a reference information amount setting circuit 45, a subtractor 46 and a subtractor 47. See Fig 5; column 7, lines 1-67. The variable amount of video data that output from the video encoder is dependent on an output of the audio encoder. See column 11, lines 59-67.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

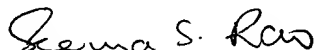
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
Seema S. Rao  
Primary Examiner  
Art Unit 2661

ST  
April 19, 2001